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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,785	02/16/2001	Leon P. Janik	STAN/322/US	3391
2543	7590	05/11/2004	EXAMINER	
ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			CECIL, TERRY K	
			ART UNIT	PAPER NUMBER
			1723	

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/785,785

Applicant(s)

JANIK ET AL.

Examiner

Mr. Terry K. Cecil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 11-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC ' 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

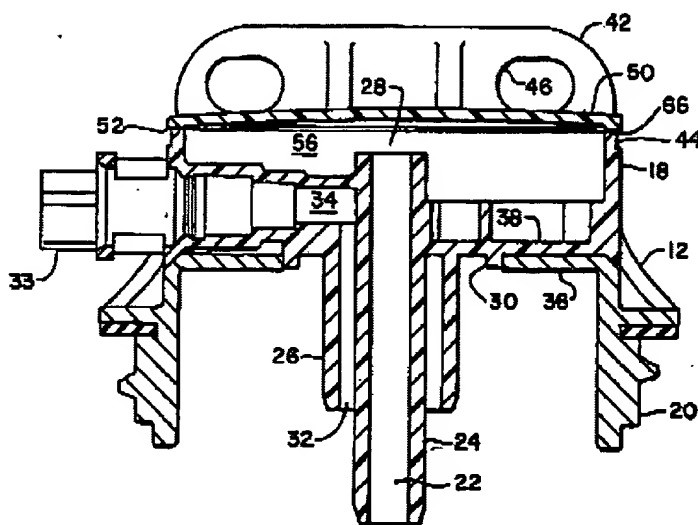
Determining the scope and contents of the prior art.

Ascertaining the differences between the prior art and the claims at issue.

Resolving the level of ordinary skill in the pertinent art.

Considering objective evidence present in the application indicating obviousness or nonobviousness.

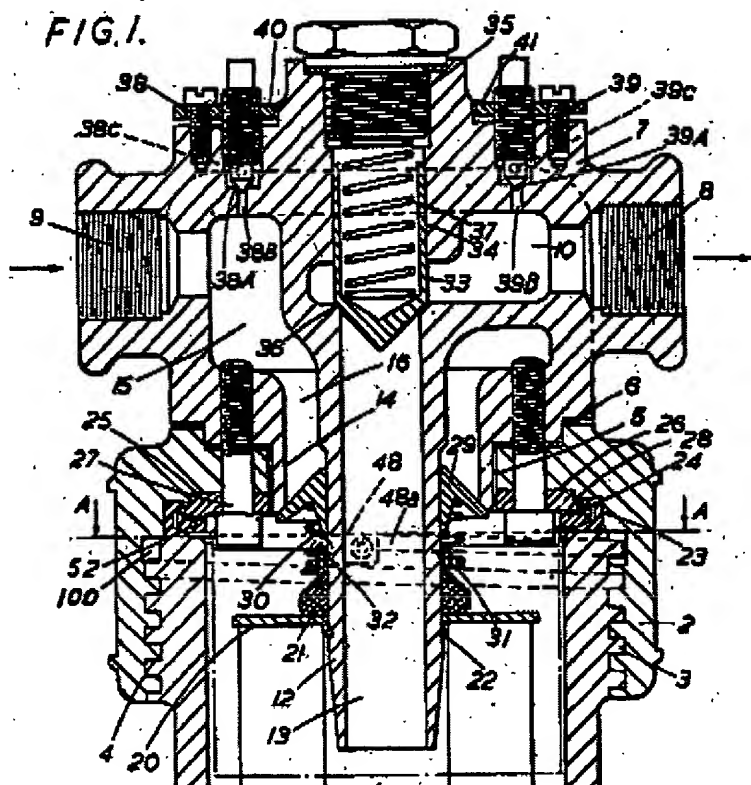
2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik in view of Le Clair.



**FIG. 3**

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Janik teaches a base module that includes body 12 and a communication module 18. As shown in e.g. figure 3, the round locating ring (skirt) of the communication module is received in the round aperture of the coupling plate of the body. The communication module and the body are then joined by fastening means (see claim 5 of the reference). The angular orientation shown in the drawings of the joined parts is taken as being the “selected” angular orientation as claimed [as in claims 1 and 2]. Janik does not teach the body to include a lip extending coaxially with the central opening thereof and mating with the skirt.



As shown above, Le Clair teaches a body 2 having a lip that extends away from the receptacle for mating closely with a “skirt” of the communication module 7 to define an annular interface (the examiner considers the “annular interface” to be the contacting surface between the body

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and module that extends from the portion intersected by the leader of reference no. 6 to the portion intersecting the leader of reference no. 5)[as in claims 1-3]. It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the body of Janik to include the lip of Le Clair for mating with the skirt of Janik, since Le Clair teaches the benefit of a configuration for mating/locating a body to a communication module (e.g. by screws/locating ring, as desired by Janik) in an apparatus for use in the same environment as Janik—filtration of fuel.

As for claim 10, members 12 and 18 are separately molded.

As for claim 4, both Janik and Le Clair teach rubber o-rings (grommets) positioned in the joint between elements: e.g. “109” in Janik and 25 and in Le Clair. It is considered within ordinary skill to have an o-ring in the joint between members (e.g. the lip and skirt) in order to effect a fluid tight seal.

As for claim 5, having an ultrasonic weld between the communication module and body is within ordinary skill since Janik teaches his members 18 and 20 to be joined together e.g. by screws and for polymeric members 18 and 50 to be joined together by *sonic* welding (one skilled in the art would realize that the amount of sound energy necessary to weld the polymeric materials cited by Janik (in col. 3, lines 48-49) would be in the ultrasonic range). Since member 20 can also be made of polymeric material (col. 1, lines 52-54) and since Janik teaches that various modifications, adaptations and alternatives that may occur to one skilled in the art can be made

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without departing from the spirit and scope of his invention (col. 4 lines 60-63), it would have been obvious to the skilled man at the time of the invention for the joining of members 18 and 20 to be accomplished by ultrasonic welding, since Janik teaches the benefit of a “fluid tight connection” (col. 3, lines 14-17) and that the ultrasonic weld of 18 and 50 mentioned above would be an obvious alternative to the screws 40 to also fasten 18 and 20.

As for claims 6 and 7, the fittings of Janik are perpendicular to the axis defined by the module.

As for claims 8 and 9, Janik teaches fittings 27 and 33 can be located at different locations on member 18 depending upon the particular design requirements and constraints of each type of vehicle (col. 3, lines 28-30). Therefore, positioning the fittings 90° apart or 180° apart (e.g. as shown in Le Clair) is a matter of optimization and within ordinary skill.

As shown in figure 3, Janik teaches applicants new limitation concerning the mounting bracket that extends laterally from the body and at a point below the lip—see the bracket portion intersecting the leader of reference no. 12 of figure 3. See also figure 4. Upon modification, this portion of the bracket would still be axially below the lip.

***Response to Arguments***

3. Applicant's arguments filed 2-23-2004 have been fully considered but they are not persuasive because of the following reasons:

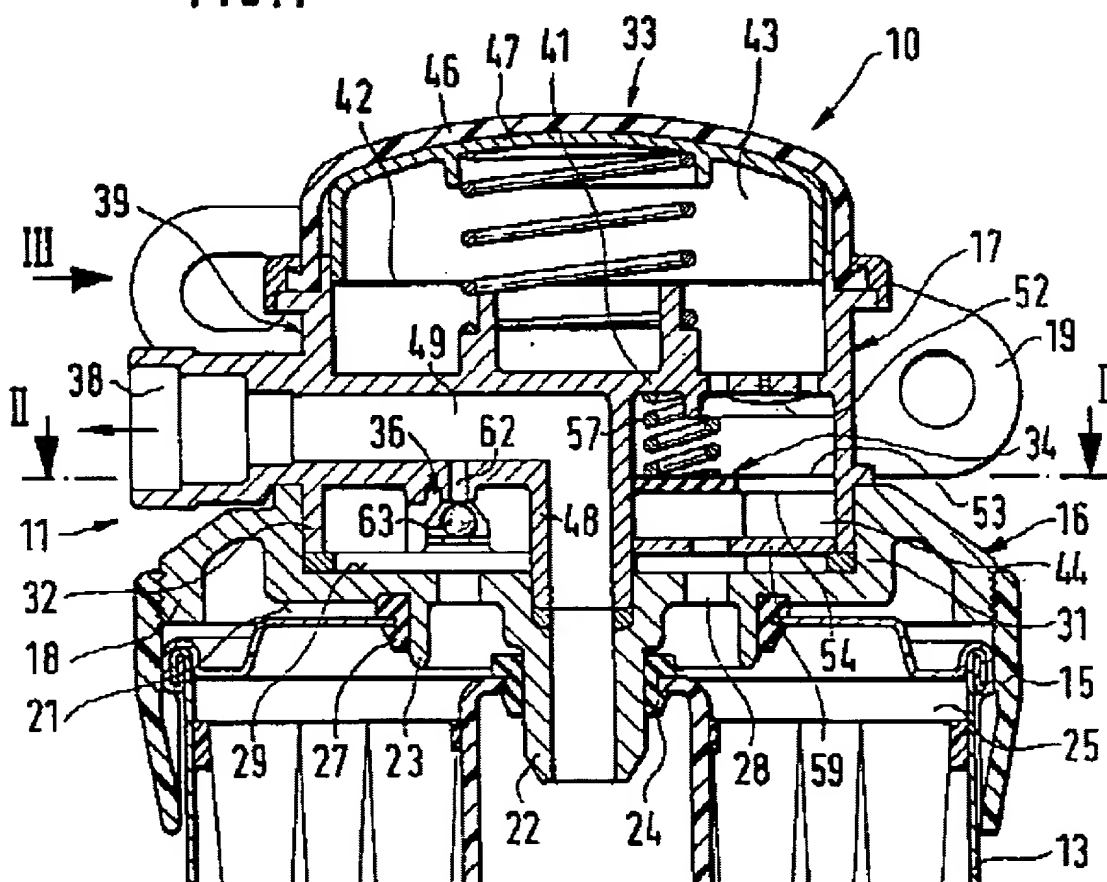
- Concerning applicant's argument about the angular orientation (pages 7-8), it is pointed out applicants claim 1 requires only that the module and body to fixed at a single angular orientation (the parts cannot be fixed together at more that one angular orientation at a time). The examiner contends that the steps argued by the applicants to chose an orientation before fixing the parts together fails to further structurally define the invention. However, it is pointed out that since both the skirt and the lip are round they would have the ability to mate at a plurality of angular orientations before being fixed.
- As explained above, the new mounting bracket limitations are already taught by Janik. It is noted that applicant's claims do not limit that bracket such that it cannot *also* extend axially above the lip.
- Concerning applicant's arguments (page 9) about the relative ages of the applied references, the examiner points out that such is not convincing since what is important is the art that was available at the time the invention was made. The examiner contends that the reasons given in the action above provide sufficient motivation for combining the references.
- Concerning claim 3, the examiner contends that because of the fastening means, the modified skirt and lip of Janik teach the communication module skirt that fits closely over the body annular lip to from a "joint".

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*Other Pertinent Art*

4. Before amending the claims, the Applicant should consider the following germane references that teach various aspects of the invention:

- EP 631004-A1 also teaches applicants lip/skirt arrangement.

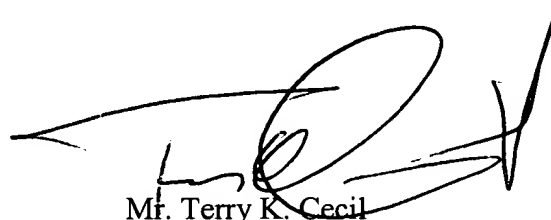
**FIG.1**



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5. Contact Information:

- Examiner Mr. Terry K. Cecil can be reached at (571) 272-1138 at the Carlisle campus in Alexandria, Virginia for any inquiries concerning this communication or earlier communications from the examiner. Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:30a to 4:30p, on at least four days during the week M-F.
- Wanda Walker, the examiner's supervisor, can be reached at (571) 272-1151 if attempts to reach the examiner are unsuccessful.
- The Fax number for this art unit for official faxes is 703-872-9306.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mr. Terry K. Cecil  
Primary Examiner  
Art Unit 1723

TKC  
May 7, 2004